

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

P.S. - Nirmal Municipality - Sri Jameel Ahmed Khan, Jr. Assistant kept under suspension by the Municipal Commissioner, Nirmal Municipality for the alleged irregularities said to have been committed in Nirmal Municipality - Review of suspension - Revocation of suspension without prejudice to the disciplinary proceedings - Orders - Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (L2) DEPARTMENT

G.O.Rt.No. 649

Date: 28-04-2009

Read the following:

1. Charge Memo No.C1/391/05, dt.04-07-2005 of Municipal Commissioner, Nirmal Municipality.
2. Proceedings of the Municipal Commissioner, Nirmal Municipality No.C1/391/2005, dt. 29-10-2005.
3. Representation of Sri Jameel Ahmed Khan, Jr.Asst(u/s) Nirmal Municipality dt.5.2.2009.
4. Govt.Memo.No.2336/L1/2009-1, dt.24.2.2009.
5. From the Commissioner, Nirmal Municipality Lr.No.C1/391/2005, dt.28.2.2009 addressed to C&DMA.
6. From the Commissioner & Director of Municipal Administration, Hyderabad Lr.No.3056/2009/C3, dt.6.3.2009 addressed to RDMA., Warangal.
7. From the APAT Orders dt.2.4.2009 in O.A.o.4977/2009 filed by Jameel Ahmed Khan, Jr.Asst(U/s), Nirmal Municipality.
8. From Sri Jameel Ahmed Khan, Jr.Asst(u/s) Nirmal Municipality representation 8.4.2009.

ORDER

In the reference 1st read above, the Municipal Commissioner, Nirmal Municipality has issued Charge Memo to Sri Jameel Ahmed Khan, Junior Assistant, Nirmal Municipality for the charges that he failed to remit the cash received from the Bill Collectors towards property taxes and misappropriated the huge amount resulting loss to the Municipality. Subsequently in the reference 2nd read above, the Municipal Commissioner, Nirmal Municipality issued proceedings keeping Sri Jameel Ahmed Khan, Jr. Assistant under suspension w.e.f., 29-10-2005 for the said irregularities.

2. In the reference 3rd read above, Sri Jameel Ahmed Khan, Junior Assistant(U/s), Nirmal Municipality has submitted a representation to the Government stating that he has submitted explanation to the charges in his letter dt. 10-07-2005 to the Municipal Commissioner, Nirmal Municipality and the charges are not concluded. He has also submitted that as per the orders of Hon'ble Tribunal in O.A.No.4977/2009 filed by him, the disciplinary proceedings have to be completed within a period of three months. But the enquiry has not been concluded as on date. He has, therefore, requested the Government to review the suspension and revoke the suspension pending finalization of disciplinary proceedings, as he was kept under suspension w.e.f., 29-10-2005 without review in terms of G.O.Ms.No.86, G.A. Department, dt.08-03-1994 and G.O.Ms.No.480, G.A.(Ser.C) Dept., dated 07-03-1993.

3. In the reference 3rd read above, the matter has been referred to the Commissioner & Director of Municipal Administration, Hyderabad and Municipal Commissioner, Nirmal Municipality for his remarks. The Municipal Commissioner, Nirmal Municipality in the reference 5th read above, has informed that in O.A.No.6149/2006, the Hon'ble Tribunal in its order dated 09-01-2009 dismissed the relief sought by the applicant viz., Sri Jameel Ahmed

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Khan, Junior Assistant(U/s) and passed direction to the respondent authorities to proceed enquiry and complete the same within a period of three months time from the date of receipt of the order. The said information was submitted to the Regional Director of Municipal Administration, Warangal who is the competent authority for the post of Junior Assistant.

4. Further, Sri Jameel Ahmed Khan, Junior Assistant(U/s), Nirmal Municipality has filed another O.A.No.4977/2009 in the Hon'ble Tribunal with a prayer to declare the action of the respondents in not considering his case for reinstatement into service as per G.O.Ms.No.86, G.A. Department dt. 08-03-1994 and G.O.Ms.No.526, G.A.(Ser.C) Department, dt.19-08-2008 even after lapse of 3 ½ of years as arbitrary, illegal and violation of Rules. He has requested the Hon'ble Tribunal to direct the respondents to reinstate him into service.

5. The Hon'ble Tribunal in its order dt. dt.2.4.2009 in O.A.No.4977/2009 while disposing the O.A at the admission stage, has observed as follows:-

“that the applicant is languishing under suspension since more than 3 ½ years. The learned counsel for the applicant submits the recently orders are issued in G.O.Ms.No.526, dt.19.8.2008 directing the disciplinary authorities to reinstate the Govt. servants who are under suspension for more than two years. Basing the said GO the applicant made a representation to the 3rd respondent i.e. Govt., on 5.2.2009. Having regard to the innocuous nature of the prayer of the applicant, it would be desirable to dispose of this O.A.,. at the admission stage, with a direction to the respondents to consider and pass appropriate orders on the representation of the applicant, dt.5.2.2009 by keeping in view the provisions contained in para 3 of the G.O.Ms.No.526, GAD dt.19.8.2009 within a period of 8 weeks from the date of receipt of the order”.

6. In pursuant to the above orders of Hon'ble Tribunal, the matter has been examined and reviewed the suspension of Sri Jameel Ahmed Khan, Junior Assistant(U/s) and decided to revoke the suspension pending finalization of disciplinary proceedings against him. Accordingly, Government hereby order to revoke the suspension and reinstate Sri Jameel Ahmed Khan, Junior Assistant(U/s), without prejudice disciplinary proceedings against him.

7. The Commissioner & Director of Municipal Administration, Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. C.V.S.K. SARMA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner & Director of Municipal Administration, Hyderabad.
The Regional Director of Municipal Administration, Warangal.
Sri Jameel Ahmed Khan, Junior Assistant(U/s) through
Commissioner & Director of Municipal Administration, Hyderabad
Copy to the Govt. Pleader for Services, MA & UD Dept., Andhra
Pradesh Administrative Tribunal, Hyderabad.
SF / SC

// FORWARDED : BY ORDER //

SECTION OFFICER